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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoshinori Tanabe

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STAAS & HALSEY LLP

SUITE 700

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EXAMINER

FABER, DAVID

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,969	<b>Applicant(s)</b> TANABE, YOSHINORI	
	<b>Examiner</b> DAVID FABER	<b>Art Unit</b> 2178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6,7,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to the Request for Continued Examination filed on 25 June 2008.

**This office is made Non-Final.**

2. Claim 9 has been cancelled by the Applicant.
3. Claims 10 and 11 have been added.
4. The rejection of Claim 9 under 35 U.S.C. 102(b) as being anticipated by Davis et al. (hereinafter Davis), U.S. Patent No. 5,937,160 filed 5/1/1997, issued 8/10/1999, has been withdrawn as necessitated by the amendment.
5. Claims 1, 2, 6, 7, 10 and 11 are pending. Claims 1, 2, 6, 7, 10 and 11 are independent claims.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 6-7, and 10-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (hereinafter Davis) (U.S. Patent No. 5,937,160, published 8/10/1999) in further view of Ono et al. (hereinafter Ono)(U.S. Patent No. 6,964,013 filed 5/30/2000)

As per independent claim 1, Davis teaches an invention which creates/updates HTML documents via replacement of proprietary extended tags with data, said invention embodied on a medium (Davis Abstract, column 5 lines 25-33).

Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) <RPM> tags (said tag type defining various processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text data accordingly (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, column 14 lines 65-67 to column 15 lines 1-44)

Davis teaches the addition of an additional lower level HTML (start and end) tag pair (controlling text bold parameter <B> - a character style) wrapped around an RPM type tag, said tag pair bolding the text replacing said RPM type tag (i.e. <B><RPMTD><B>) (Davis column 15 lines 20-29). It is noted that any type of text can lie between said <B> pair, including pairs of lower element tags, etc (hierarchically based tags).

Davis does not specifically teach "deleting" said <B> tag pair enclosing the above tag. However, Ono teaches tag management means (i.e. managing document areas) for managing the deletion of an HTML tag pair (along with enclosed data) (i.e. a start and end tag) (Ono column 1 lines 63- 67, column 7 lines 13-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ono's deletion management to Davis's tag pairs, providing Davis the benefit of flexible

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document editing via management of nesting or overlapping of <RPMTD> tag data via deletion (see Ono column 2 lines 5-12).

Davis teaches storage/presentation of a final HTML web page to a client via browser subsequent to updating (i.e. after an editor interchanges tags accordingly, and is subsequently interpreted by a Web browser) (Davis Abstract, at bottom, also column 16 lines 61-67).

Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text data accordingly. It is noted that the above <RPM> tag acts as a placeholder to be replaced with data accordingly. The final HTML document is generated according to the <RPM> instruction (retrieve time and date), said time and date inserted into said document instead of maintaining the <RPMTD> tag (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, 20-25, column 14 lines 65-67 to column 15 lines 1-44).

As per independent claim 2, Claim 2 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, Davis discloses <PRE></PRE> tags surrounding the <RPMTD> tags, wherein when the <RPMTD> is replaced with text accordingly, the <PRE></PRE> tags enclose the text that is now presented. Thus, the text replacing the <RPMTD> tags is enclosed by a "predetermined identification extended tag pair". (FIG 14C-1,2)

Davis does not specifically teach "deleting" said <B> and/or <PRE> tag pair enclosing the above tag. However, Ono teaches tag management means (i.e. managing document areas) for managing the deletion of an HTML tag pair (along with enclosed data) (i.e. a start and end tag) (Ono column 1 lines 63- 67, column 7 lines 13-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ono's deletion management to Davis's tag pairs, providing Davis the benefit of flexible document editing via management of nesting or overlapping of <RPMTD> tag data via deletion (see Ono column 2 lines 5-12).

As per independent claim 6, Claim 6 recites similar limitations as in Claim 1 and is similarly rejected under rationale.

As per independent claim 7, Claim 7 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, Davis discloses a computer (FIG 1, Items 10, 20)

As per independent claim 10, Claim 10 recites similar limitations as in Claims 1 and 2 and is similarly rejected under rationale.

As per independent claim 11, Claim 11 recites similar limitations as in Claims 1, 2 and 11 and is similarly rejected under rationale.

### ***Response to Arguments***

8. Applicant's arguments filed 25 June 2008 have been fully considered but they are not persuasive.

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9. On pages 7-8, in regards to independent claim 1, Applicant argues that Davis and Ono fail to specifically disclose the features of “recognizing an extended tag enclosed by a pair of lower level elements created with the HTML editor.” However, the Examiner disagrees.

Davis teaches the addition of an additional lower level HTML (start and end) tag pair (controlling text bold parameter `<B>` - a character style) wrapped around an RPM type tag, said tag pair bolding the text replacing said RPM type tag (i.e. `<B><RPMTD></B>`) (Davis column 15 lines 20-29). It is noted that any type of text can lie between said `<B>` pair, including pairs of lower element tags, etc (hierarchically based tags). `<B></B>` are lower level elements of the parent tags of `<BODY>` tags (Column 10, lines 30-37) Thus, `<B><RPMTD></B>` discloses the `<RPMTD>` tag enclosed by the lower level element tags `<B></B>` by the functionality of Davis that allows one to create/update HTML documents with tags.

10. On page 8, in regards to independent claim 2, Applicant argues that Davis and Ono fail to specifically disclose the new claim limitation wherein fail to teach plural types of “extended tags” and the limitations of Claim 2. However, the Examiner disagrees.

Furthermore, Davis teaches reading an HTML document containing a proprietary `<RPM>` type tag, said HTML document updated via the replacement of proprietary (i.e. extended) `<RPM>` tags (said tag type defining various processing, i.e. `<RPMTD>`, etc., with said tags themselves not intended to be viewed in a browser) with text data

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accordingly (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, column 14 lines 65-67 to column 15 lines 1-44)

In addition, Davis teaches the addition of an additional lower level HTML (start and end) tag pair (controlling text bold parameter <B> - a character style) wrapped around an RPM type tag, said tag pair bolding the text replacing said RPM type tag (i.e. <B><RPMTD><B>) (Davis column 15 lines 20-29). It is noted that any type of text can lie between said <B> pair, including pairs of lower element tags, replacement tags from the <RPM> tag etc (hierarchically based tags). Furthermore, Davis discloses <PRE></PRE> tags surrounding the <RPMTD> tags, wherein when the <RPMTD> is replaced with text accordingly, the <PRE></PRE> tags enclose the text that is now presented. Thus, the text replacing the <RPMTD> tags is enclosed by "predetermined identification extended tag pair".

Davis does not specifically teach "deleting" said <B> and/or <PRE> tag pair enclosing the above tag. However, Ono teaches tag management means (i.e. managing document areas) for managing the deletion of an HTML tag pair (along with enclosed data) (i.e. a start and end tag) (Ono column 1 lines 63- 67, column 7 lines 13-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ono's deletion management to Davis's tag pairs, providing Davis the benefit of flexible document editing via management of nesting or overlapping of <RPMTD> tag data via deletion (see Ono column 2 lines 5-12).



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David Faber/  
Examiner, Art Unit 2178

	/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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